

### **LISTING OF CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in this application.

1.) (Currently Amended) An aerated confection comprising from 0.5 to 20% by weight on a dry weight basis of fruit solids based on the total weight of said aerated confection and from 0.01 to 0.2% by weight of a hexametaphosphate based on the total weight, said aerated confection having a moisture content of from 1 to 5% by weight, said hexametaphosphate enhancing a rate of gelling of said aerated confection.

2.) (Original) The aerated confection of claim 1, wherein said fruit solids are present in an amount of from 0.5 to 10% by weight.

3.) (Original) The aerated confection of claim 1, wherein said fruit solids are present in an amount of from 2 to 5% by weight.

4.) (Original) The aerated confection of claim 1 wherein said fruit solids comprise a dried fruit powder, a drum dried fruit solid, a freeze dried fruit solid, an evaporated fruit puree having a solids level of greater than 80% by weight, or a mixture thereof.

5.) (Original) The aerated confection of claim 1 comprising from 0.02 to 0.05% by weight of a hexametaphosphate.

6.) (Original) The aerated confection of claim 1 having a moisture content of from 2 to 3% by weight.

7.) (Original) The aerated confection of claim 1 further comprising from .1 to 3% by weight of at least one flavor or color.

8.) (Original) The aerated confection of claim 1 further comprising from 1 to 20% by weight on a dry weight basis of seed sugar.

9.) (Original) The aerated confection of claim 1 further comprising from .5 to 15% by weight of a film forming agent.

10.) (Original) The aerated confection of claim 9 wherein said film forming agent comprises a gelatin, an albumin, a pectin, a carboxymethyl cellulose, an alginate, a gum, or mixtures thereof.

11.) (Original) The aerated confection of claim 10 wherein said gum comprises a guar gum, a carrageenan, an arabic gum, a xanthan gum, or mixtures thereof.

12.) (Original) The aerated confection of claim 9 wherein said film forming agent is present in an amount of from about 1 to 7% by weight.

13.) (Original) The aerated confection of claim 1 further comprising sucrose, corn syrup, dextrose, maltose, lactose, glycerin, maltodextrin, a glucose syrup, or mixtures thereof.

14.) (Currently Amended) An aerated confection comprising from 0.5 to 20% by weight on a dry weight basis of fruit solids based on the total weight of said aerated confection and from 0.01 to 0.2% by weight of a hexametaphosphate based on the total weight, said aerated confection having a moisture content of from 10 to 30% by weight, said hexametaphosphate enhancing a rate of gelling of said aerated confection.

15.) (Original) The aerated confection of claim 14, wherein said fruit solids are present in an amount of from 0.5 to 10% by weight.

16.) (Original) The aerated confection of claim 14, wherein said fruit solids are present in an amount of from 2 to 5% by weight.

17.) (Original) The aerated confection of claim 14 wherein said fruit solids comprise a dried fruit powder, a drum dried fruit solid, a freeze dried fruit solid, an evaporated fruit puree having a solids level of greater than 80% by weight, or a mixture thereof.

18.) (Original) The aerated confection of claim 14 comprising from 0.02 to 0.05% by weight of a hexametaphosphate.

19.) (Original) The aerated confection of claim 14 having a moisture content of from 10 to 25% by weight.

20.) (Original) The aerated confection of claim 14 having a moisture content of from 10 to 20% by weight.

21.) (Original) The aerated confection of claim 14 further comprising from 1 to 20% by weight on a dry weight basis of seed sugar.

22.) (Original) The aerated confection of claim 14 further comprising from .5 to 15% by weight of a film forming agent.

23.) (Original) The aerated confection of claim 22 wherein said film forming agent comprises a gelatin, an albumin, a pectin, a carboxymethyl cellulose, an alginate, a gum, or mixtures thereof.

24.) (Original) The aerated confection of claim 23 wherein said gum comprises a guar gum, a carrageenan, an arabic gum, a xanthan gum, or mixtures thereof.

25.) (Original) The aerated confection of claim 22 wherein said film forming agent is present in an amount of from about 1 to 7% by weight.

26.) (Original) The aerated confection of claim 14 further comprising sucrose, corn syrup, dextrose, maltose, lactose, glycerin, maltodextrin, a glucose syrup, or mixtures thereof.

27.) (Original) The aerated confection of claim 14 further comprising from 0.1 to 3% by weight of at least one flavor or color.

28.) (Currently Amended) A method for preparing an aerated mallow mixture comprising the steps of:

- a) providing a sucrose solution comprising sucrose and water at a temperature above the crystallization temperature of the sucrose solution;
- b) cooling the sucrose solution to a temperature at or below its crystallization temperature;
- c) adding to the cooled sucrose solution of step b) an amount of from 0.5 to 20% by weight of fruit solids based on the final weight of the mallow mixture;
- d) further cooling the solution from step c) and adding to the solution from 0.5 to 15% by weight of a film forming agent and from 0.01 to 0.2% by weight of a hexametaphosphate to promote gelling of said mallow mixture, both based on the final weight of the mallow mixture; and
- e) aerating the mallow mixture to a density of from 1.5 to 4 pounds per gallon to form the aerated mallow mixture.

29.) (Original) The method of claim 28 wherein step a) comprises providing a sucrose solution having a solids level of from about 82 to 89%.

30.) (Original) The method of claim 28 wherein step a) comprises providing a sucrose solution comprising sucrose, water and at least one of a corn syrup, a dextrose, a maltose, a lactose, a glycerin, a maltodextrin, a glucose syrup, or mixtures thereof.

31.) (Original) The method of claim 28 wherein step a) comprises providing the sucrose solution at a temperature of from 200 to 250 degrees Fahrenheit.

32.) (Original) The method of claim 28 wherein step b) comprises cooling the sucrose solution to a temperature of from 165 to 180 degrees Fahrenheit.

33.) (Original) The method of claim 28 wherein step c) comprises adding a dried fruit powder, a drum dried fruit solid, a freeze dried fruit solid, an evaporated fruit puree having a solids level of greater than 80% by weight, or a mixture thereof.

34.) (Original) The method of claim 28 wherein step c) comprises adding an amount of from .5 to 10% by weight of fruit solids based on the final weight of the mallow mixture.

35.) (Original) The method of claim 28 wherein step c) comprises adding an amount of from 2 to 5% by weight of fruit solids based on the final weight of the mallow mixture.

36.) (Original) The method of claim 28 wherein step c) further comprises adding from 1 to 20% by weight of a seed sugar on a dry weight basis based on the final weight of the mallow mixture to the cooled sucrose solution.

37.) (Original) The method of claim 28 wherein step d) further comprises providing a film forming agent comprising at least one of a gelatin, an albumin, a pectin, a carboxymethyl cellulose, an alginate, a gum, or mixtures thereof.

38.) (Original) The method of claim 37 wherein step d) further comprises selecting a the gum at least one of a guar gum, a carrageenan, an arabic gum, a xanthan gum, or mixtures thereof.

39.) (Original) The method of claim 28 wherein step d) comprises providing the film forming agent in an amount of from 1 to 7% by weight.

40.) (Original) The method of claim 28 wherein step d) comprises providing the hexametaphosphate in an amount of from .02 to 0.05% by weight.

41.) (Original) The method of claim 28 wherein step d) further comprises adding at least one flavor or color in an amount of from 0.1 to 3% by weight based on the final weight of the mallow mixture.

42.) (Original) The method of claim 28 wherein step e) comprises aerating the mallow mixture to a density of from 2 to 3 pounds per gallon.

43.) (Original) The method of claim 28 further comprising extruding the aerated mallow mixture, cutting the extruded mallow mixture into pieces to form aerated confection pieces having a moisture content of from 10 to 30%.

44.) (Original) The method of claim 28 further comprising extruding the aerated mallow mixture, cutting the extruded mallow mixture into pieces, and drying the pieces to a moisture content of from 1 to 5% to form an aerated confection having a moisture content of from 1 to 5%.

45.) (Original) The method of claim 44 comprising drying the pieces to a moisture content of from 2 to 3%.